

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

In the Matter of
Advanced television Systems
and their Impact Upon the
Existing Television Broadcast
Service

)
)
)
)
)

FCC 96-207

RECEIVED

MM Docket 87-268

JUL 11 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**COMMENTS TO FIFTH FURTHER NOTICE OF RULEMAKING
BY THIRD COAST BROADCASTING, INC.**

The following is a comment to Fifth Further Notice of Proposed Rulemaking MM Docket 87-268 (FCC 96-207), paragraph 53 concerning LPTV issues. These comments primarily focus toward impact of the FFNPRM on LPTV stations in urbanized areas.

I. Introduction

Low Power Television (LPTV) was created in 1982 with the final rule of BC Docket 78-253, which defined the rules under which LPTV would operate in relation to Full Power television stations and the interference criteria which would be required to be provided to these stations. (See Comments to Notice of Proposed Rulemaking by Third Coast Broadcasting on FCC 91-337)

LPTV stations provide programming which is focussed more toward niche areas which are not covered by the larger regional stations: Urban music videos, religious programming, news channels, market channels, "disability" programming, and rural coverage in underserved areas. This service has been recognized by the Commission in this proposed rulemaking as providing a strong public service and benefit to the public in both urbanized and rural communities. In this proposed rulemaking, LPTV should be permitted to progress with digital technology and continue to provide this important service on digital channels in the future.

However, in the major markets, the viability of LPTV is threatened by pressure from the Full Power digital transition channel, as well as from proposals to auction spectrum to increase Federal revenues. The Commission should act to create regulations which would minimize the impact on LPTV and should ensure that LPTV businesses are not subject to economic disaster in the event they are forced off the air by this new technology.

No. of Copies rec'd
List A B C D E

07 4

II. LPTV has a Reasonable Assurance of Business Viability under the Original Rules.

In essence, LPTV is a service which provides a smaller coverage area than Full Power stations, and the design of the coverage area is based on interference contours, rather than spacing criteria, as is the case with Full Power stations. LPTV stations are required to provide Full Power stations protection from interference, and if there is actual interference received from an LPTV station, the LPTV station is required to change channels or modify its facilities to eliminate the interference. In the event that an LPTV station could not resolve the interference problem with a channel change, it would be required to shut off the air. It is a rare occurrence that an LPTV station has been required to shut off the air. We know of no cases where this has been required for reasons of unavailable channels. Due to the technical rules which control Full Power stations, an LPTV "drop-in" station had a reasonable expectation of being able to construct its facility and operate without fear of being forced off the air due to technical constraints. With the additional transition channels and the likely sell-off of TV spectrum, implementation of this proceeding is likely to create wide spread harm to LPTV stations in large cities.

In the fast rush to provide additional channels for DTV and auctionable spectrum for land mobile radio, I believe the industry is ignoring an important issue. In this Land Rush, we are forgetting the "Indians". It is important to recognize that many of the channels which are proposed to be given to Full Power TV stations (as well as proposed to be auctioned to two way radio) are currently occupied by FCC licensed broadcast stations who would lose their channel with no place to go. This would require these businesses to go off the air and lose all of their assets. This is a definite viability issue.

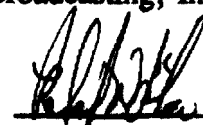
III. The Commission Should Act to Change Rules to Minimize the Impact of DTV on Urban LPTV Stations.

In the transition to DTV, there will be extreme spectrum pressures imposed on LPTV station as channels are allotted to DTV stations and LPTV stations are thereby displaced. Primarily, policies should be established to permit a standard basis for rule waivers of taboo channel restriction rules and some of these restrictions should be changed, as is reasonable, to reduce the LPTV spectrum pressures. Third Coast also feels that it is necessary that the highest degree of spectrum efficiency is followed in the upcoming allotment procedure to maximize the ability of an urban LPTV station to continue through the DTV transition. Although Full Power allotment is not a specific LPTV issue, maximizing the spectral efficiency is.

Dated July 11, 1996

Third Coast Broadcasting, Inc.

By


Robert W. Fisher, President